

263.064070(262)

TED/sxf

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

GABRIELLA STRBIK

Plaintiff,

v.

SUNRISE SENIOR LIVING, INC.,
SUNRISE OF BUFFALO GROVE, and
SUNRISE BUFFALO GROVE ASSISTED
LIVING, LLC,

Defendants.

)
)
) FILED: JUNE 3, 2008

) 08CV3189 TG

) JUDGE CONLON

) MAGISTRATE JUDGE NOLAN
)
)
)
)
)
)

NOTICE OF REMOVAL

NOW COME, the Defendants, SUNRISE SENIOR LIVING, INC., and SUNRISE BUFFALO GROVE ASSISTED LIVING, LLC, by and through their attorneys, PRETZEL & STOUFFER, CHARTERED, and hereby remove this civil action, case number 08 L 4305 from the Circuit Court of Cook County, County Department, Law Division, State of Illinois, to the United States District Court for the Northern District of Illinois, Eastern Division, pursuant to 28 USC §§1441 and 1332. In support thereof, the Defendants state as follows:

1. This action was filed against the named Defendants in the Circuit Court of Cook County, County Department, Law Division, State of Illinois on April 21, 2008. A copy of the Complaint was served upon the Defendants, SUNRISE SENIOR LIVING, INC., and SUNRISE BUFFALO GROVE ASSISTED LIVING, LLC, on May 6, 2008. This notice is filed within 30 days after service of the Complaint upon these Defendants.

2. At the time the action was commenced, Plaintiff, GABRIELLA STRBIK, was a citizen of the State of Illinois.
3. At the time this action was commenced, Defendant, Sunrise Senior Living, Inc., was a corporation organized and existing under the laws of the State of Delaware, with its principal place of business in the state of Virginia.
4. The Defendant, SUNRISE BUFFALO GROVE ASSISTED LIVING, LLC, is an Illinois limited liability company, with the sole member, Sunrise First Assisted Living Holdings, LLC, a Delaware limited liability company.
5. Sunrise First Assisted Living Holdings, LLC has two members: SZR US Investments, Inc., and Sunrise Senior Living Investments, Inc.
6. At the time this action was commenced, SZR US Investments, Inc., was a corporation organized and existing under the laws of the State of Delaware, with its principal place of business in the State of Kentucky.
7. At the time the action was commenced, Sunrise Senior Living Investments, Inc., was a corporation organized and existing under the laws of the State of Virginia, with its principal place of business in Virginia.
8. Plaintiff has incorrectly named SUNRISE OF BUFFALO GROVE as a defendant. There is no such corporate entity.
9. The amount in controversy exceeds \$75,000.00, exclusive of interest and costs. Plaintiff contends that Defendants' alleged negligence caused her to suffer great personal injury, physical and mental pain, and that as a result, she is unable to conduct her normal daily affairs of life and has had to expend large sums of money for her medical care and other related expenses. Based on this information, there is a good faith basis to assert that the amount in

controversy exceeds the jurisdictional amount.

10. The United States District Courts have original jurisdiction for this civil action under 28 USC §1332.
11. This Notice of Removal is filed in the United States District Court for the Northern District of Illinois, Eastern Division, which is the district and division in which the State action is pending.
12. The Defendants have attached to this Notice copies of process and pleadings that have been served upon it.

WHEREFORE, the Defendants, SUNRISE SENIOR LIVING, INC., and SUNRISE BUFFALO GROVE ASSISTED LIVING, LLC, by and through their attorneys, PRETZEL & STOUFFER, CHARTERED, pray that this cause be removed to the United States District Court for the Northern District of Illinois.

Respectfully submitted,

/s/ Daniel B. Mills
PRETZEL & STOUFFER, CHARTERED
One South Wacker Drive
Suite 2500
Chicago, IL 60606
Telephone: (312) 578-7524
Fax: (312) 346-8242
Dmills@pretzel-stouffer.com
Attorney for Defendants

263.064070(262)

TED/sxf

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

GABRIELLA STRBIK)
)
Plaintiff,)
v.)
)
SUNRISE SENIOR LIVING, INC.,)
SUNRISE of BUFFALO GROVE, and)
SUNRISE BUFFALO GROVE ASSISTED)
LIVING, LLC.)
)
Defendants.)

ATTESTATION

Daniel B. Mills, Esq, being first duly sworn on oath, deposes and states as follows:

1. He is the attorney for the defendants/petitioners, SUNRISE SENIOR LIVING, INC., and SUNRISE BUFFALO GROVE ASSISTED LIVING, LLC, in this cause.
2. He has prepared and read the Notice of Removal filed in this cause and has personal knowledge of the facts and matters contained in it; and
3. The facts and allegations contained in the Notice of Removal are true and correct to the best of his knowledge.

Respectfully submitted,

/s/Daniel B. Mills
PRETZEL & STOUFFER, CHARTERED
One S. Wacker Drive
Suite 2500
Chicago, IL 60606
Telephone: (312) 578-7524
Fax: (312) 346-8242
Dmills@pretzel-stouffer.com
Attorney for Defendant

EXHIBIT

CT CORPORATION
A WoltersKluwer Company

**Service of Process
Transmittal**

05/06/2008

CT Log Number 513395375



TO: T. Richard Riney
Ventas, Inc.
Ormsby Two Office Building, Forest Green Corporate Office Park
10350 Ormsby Place, Suite 300
Louisville, KY 40223

RE: Process Served in Illinois

FOR: Sunrise Buffalo Grove Assisted Living, L.L.C. (Domestic State: IL)

ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:

TITLE OF ACTION: Gabriella Strbik, Plif. vs. Sunrise Senior Living, Inc., et al. including Sunrise Buffalo Grove Assisted Living, L.L.C, Dfts.

DOCUMENT(S) SERVED: Summons, Complaint, Service List

COURT/AGENCY: Cook County Circuit Court - Cook County Department - Law Division, IL
Case # 2008L004305

NATURE OF ACTION: Personal Injury - Failure to Maintain Premises in a Safe Condition - 06/18/06 - Plaintiff was attacked and bit by a dog

ON WHOM PROCESS WAS SERVED: C T Corporation System, Chicago, IL

DATE AND HOUR OF SERVICE: By Process Server on 05/06/2008 at 10:40

APPEARANCE OR ANSWER DUE: Within 30 days, not counting the day of service

ATTORNEY(S) / SENDER(S): Jerome Schachter & Associates, LTD.
9933 N. Lawler
Suite 100
Skokie, IL 60077
847-329-1111

ACTION ITEMS: SOP Papers with Transmittal, via Fed Ex 2 Day , 791061055333

SIGNED: C T Corporation System
PER: Tawana Carter
ADDRESS: 208 South LaSalle Street
Suite 814
Chicago, IL 60604
TELEPHONE: 312-345-4336

Page 1 of 1 / PJ

Information displayed on this transmittal is for CT Corporation's record keeping purposes only and is provided to the recipient for quick reference. This information does not constitute a legal opinion as to the nature of action, the amount of damages, the answer date, or any information contained in the documents themselves. Recipient is responsible for interpreting said documents and for taking appropriate action. Signatures on certified mail receipts confirm receipt of package only, not contents.

2120 - Served 2121 - Served
 2220 - Not Served 2221 - Not Served
 2320 - Served By Mail 2321 - Served By Mail
 2420 - Served By Publication 2421 - Served By Publication
 SUMMONS ALIAS - SUMMONS

(Rev.12/3/01) CCG 0001

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
 COUNTY DEPARTMENT, LAW DIVISION

(Name all parties)

GABRIELLA STRBIK

v.

SUNRISE SENIOR LIVING, INC., SUNRISE OF
 BUFFALO GROVE, and SUNRISE BUFFALO GROVE
 ASSISTED LIVING, L.L.C.

No. _____

2008L004305
 CALENDAR/ROOM A
 TIME 00:00
 PI Other

SUMMONS

To each defendant:

YOU ARE SUMMONED and required to file an answer to the complaint in this case, a copy of which is hereto attached, or otherwise file your appearance, and pay the required fee, in the office of the Clerk of this Court at the following location:

- | | | |
|--------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------|
| <input checked="" type="checkbox"/> Richard J. Daley Center, 50 W. Washington, Room <u>801</u> , Chicago, Illinois 60602 | | |
| <input type="checkbox"/> District 2 - Skokie
5600 Old Orchard Rd.
Skokie, IL 60077 | <input type="checkbox"/> District 3 - Rolling Meadows
2121 Euclid
Rolling Meadows, IL 60008 | <input type="checkbox"/> District 4 - Maywood
1500 Maybrook Ave.
Maywood, IL 60153 |
| <input type="checkbox"/> District 5 - Bridgeview
10220 S. 76th Ave.
Bridgeview, IL 60455 | <input type="checkbox"/> District 6 - Markham
16501 S. Kedzie Pkwy.
Markham, IL 60426 | |

You must file within 30 days after service of this summons, not counting the day of service.
 IF YOU FAIL TO DO SO, A JUDGMENT BY DEFAULT MAY BE ENTERED AGAINST YOU FOR THE RELIEF REQUESTED IN THE COMPLAINT.

To the officer:

This summons must be returned by the officer or other person to whom it was given for service, with endorsement of service and fees, if any, immediately after service. If service cannot be made, this summons shall be returned so endorsed. This summons may not be served later than 30 days after its date.

APR 21 2008

Atty. No.: 08790

WITNESS, _____

Name: Jerome Schachter & Associates, Ltd.

DOROTHY BROWN
 CLERK OF CIRCUIT COURT

Atty. for: Plaintiff

Clerk of Court

Address: 9933 N. Lawler, Ste. 100City/State/Zip: Skokie, IL 60077Telephone: 847-329-1111

Date of service: _____

(To be inserted by officer on copy left with defendant or other person)

Service by Facsimile Transmission will be accepted at: 847 329-1128

(Area Code) (Facsimile Telephone Number)

DOROTHY BROWN, CLERK OF THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

2120 - Served
 2220 - Not Served
 2320 - Served By Mail
 2420 - Served By Publication
 SUMMONS

2121 - Served
 2221 - Not Served
 2321 - Served By Mail
 2421 - Served By Publication
 ALIAS - SUMMONS

(Rev.12/3/01) CCG 0001

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
 COUNTY DEPARTMENT, LAW DIVISION

(Name all parties)

GABRIELLA STRBIK

v.

SUNRISE SENIOR LIVING, INC., SUNRISE OF
 BUFFALO GROVE, and SUNRISE BUFFALO GROVE
 ASSISTED LIVING, L.L.C.

No. _____

2008LOC4305
 CALENDAR/ROOM 4
 TIME 09:00
 * Other

SUMMONS

To each defendant:

YOU ARE SUMMONED and required to file an answer to the complaint in this case, a copy of which is hereto attached, or otherwise file your appearance, and pay the required fee, in the office of the Clerk of this Court at the following location:

- ☒ Richard J. Daley Center, 50 W. Washington, Room 801, Chicago, Illinois 60602
- ☐ District 2 - Skokie
 5600 Old Orchard Rd.
 Skokie, IL 60077
- ☐ District 3 - Rolling Meadows
 2121 Euclid
 Rolling Meadows, IL 60008
- ☐ District 4 - Maywood
 1500 Maybrook Ave.
 Maywood, IL 60153
- ☐ District 5 - Bridgeview
 10220 S. 76th Ave.
 Bridgeview, IL 60455
- ☐ District 6 - Markham
 16501 S. Kedzie Pkwy.
 Markham, IL 60426

You must file within 30 days after service of this summons, not counting the day of service.

IF YOU FAIL TO DO SO, A JUDGMENT BY DEFAULT MAY BE ENTERED AGAINST YOU FOR THE RELIEF REQUESTED IN THE COMPLAINT.

To the officer:

This summons must be returned by the officer or other person to whom it was given for service, with endorsement of service and fees, if any, immediately after service. If service cannot be made, this summons shall be returned so endorsed. This summons may not be served later than 30 days after its date.

Atty. No.: 08790Name: Jerome Schachter & Associates, Ltd.Atty. for: PlaintiffAddress: 9933 N. Lawler, Ste. 100City/State/Zip: Skokie, IL 60077Telephone: 847-329-1111

WITNESS, _____

APR 21 2008

DOROTHY BROWN
 CLERK OF COOK COUNTY

Clerk of Court

Date of service: _____

(To be inserted by officer on copy left with defendant
 or other person)

Service by Facsimile Transmission will be accepted at: _____

847 329-1128

(Area Code) (Facsimile Telephone Number)

DOROTHY BROWN, CLERK OF THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

IN THE CIRCUIT COURT OF COOK COUNTY
COUNTY DEPARTMENT – LAW DIVISION

GABRIELLA STRBIK,

Plaintiff,

vs.

No.

SUNRISE SENIOR LIVING, INC.,
SUNRISE OF BUFFALO GROVE, and
SUNRISE BUFFALO GROVE
ASSISTED LIVING, L.L.C.,

Defendants.

PLEASE SERVE

Cook County Sheriff:

Sunrise Senior Living, Inc.
c/o Registered Agent
C T Corporation System
208 S. LaSalle St.; Ste. 814
Chicago, IL 60604

Sunrise Buffalo Grove Assisted Living, L.L.C.
c/o Registered Agent
C T Corporation System
208 S. LaSalle St.; Ste. 814
Chicago, IL 60604

Lake County Sheriff:

Sunrise of Buffalo Grove
180 W. Half Day Rd.
Buffalo Grove, IL

IN THE CIRCUIT COURT OF COOK COUNTY
COUNTY DEPARTMENT – LAW DIVISION

GABRIELLA STRBIK,

Plaintiff,

vs.

SUNRISE SENIOR LIVING, INC.,
SUNRISE OF BUFFALO GROVE, and
SUNRISE BUFFALO GROVE
ASSISTED LIVING, L.L.C.,

Defendants.

No.

2008LOG4305
CALENDAR/ROOM A
TIME 00:00
PT Other

FILED-2
2008 APR 21 AM 9:30
DOROTHY BROWN
CLERK OF CIRCUIT COURT
LAW DIVISION

COMPLAINT

COUNT I

ANIMAL CONTROL ACT, 510 ILCS 5/16
SUNRISE SENIOR LIVING, INC.

Now comes the Plaintiff, GABRIELLA STRBIK, by and through her attorney, JEROME SCHACHTER & ASSOCIATES, Ltd., and complaining about the Defendant, SUNRISE SENIOR LIVING, INC., states:

1. On June 18, 2006, the Defendant, SUNRISE SENIOR LIVING, INC., was the owner and keeper of a certain dog.
2. On June 18, 2006, Defendant, SUNRISE SENIOR LIVING, INC., owned real estate commonly known as, 180 W. Half Day Rd., Buffalo Grove, Illinois.
3. On June 18, 2006, Plaintiff, GABRIELLA STRBIK, was peacefully conducting herself on the premises at 180 W. Half Day Rd., Buffalo Grove, Illinois.

4. On June 18, 2006, the Plaintiff, GABRIELLA STRBIK, was lawfully on said premises.

5. On June 18, 2006, without provocation, the dog owned by the Defendant, SUNRISE SENIOR LIVING, INC., attacked the Plaintiff and bit her, injuring the person and body of the Plaintiff.

6. At all times pertinent hereto, there existed in the State of Illinois a certain act or law commonly known as the Illinois Animal Control Act (510 ILCS 5/16), which, among other things, provides:

If a dog or other animal, without provocation, attacks or injures any person who is peaceably conducting him[her]self in any place where he[she] may lawfully be, the owner of such dog or other animal is liable in damages to such person of or the full amount of injuries sustained.

7. As a direct and proximate result of the of the violation of this statute, the Plaintiff, GABRIELLA STRBIK, sustained injuries of a personal and pecuniary nature.

WHEREFORE, Plaintiff, GABRIELLA STRBIK, demands judgment against Defendant, SUNRISE SENIOR LIVING, INC., in an amount in excess of FIFTY THOUSAND DOLLARS (\$50,000.00) plus costs.

COUNT II
NEGLIGENCE
SUNRISE SENIOR LIVING, INC.

Now comes the Plaintiff, GABRIELLA STRBIK, by and through her attorney, JEROME SCHACHTER & ASSOCIATES, LTD., and complaining about the Defendant, SUNRISE SENIOR LIVING, INC., states:

1. On June 18, 2006, the Defendant, SUNRISE SENIOR LIVING, INC., was the owner and keeper of a certain dog.

2. On June 18, 2006, Defendant, SUNRISE SENIOR LIVING, INC., owned real estate commonly known as, 180 W. Half Day Rd., Buffalo Grove, Illinois.

3. On June 18, 2006, the Plaintiff, GABRIELLA STRBIK, was peacefully conducting herself on the premises at 180 W. Half Day Rd.; Buffalo Grove, Illinois.

4. On June 18, 2006, the Plaintiff, GABRIELLA STRBIK, was lawfully on said premises.

5. On June 18, 2006, without provocation, the dog owned by the Defendant, SUNRISE SENIOR LIVING, INC., attacked the Plaintiff and bit her, injuring the person and body of the minor Plaintiff.

6. At all times pertinent hereto, there existed in the State of Illinois a certain act or law commonly known as the Illinois Animal Control Act (510 ILCS 5/16), which, among other things, provides:

If a dog or other animal, without provocation, attacks or injures any person who is peaceably conducting him[her]self in any place where he[she] may lawfully be, the owner of such dog or other animal is liable in damages to such person of or the full amount of injuries sustained.

7. At all times pertinent hereto, Defendant SUNRISE SENIOR LIVING, INC., was careless and negligent by one or more of the following acts or omissions:

- a. Knew of/should have known of the vicious and dangerous propensities of his dog;
- b. Failed to train or to otherwise discipline the dog so that it would not attack and injure others;
- c. Failed to warn others, including GABRIELLA STRBIK, in close proximity that the dog was a vicious animal with a proclivity or propensity to attack and injure others; and/or

- d. Failed to muzzle or prohibit the dog from attacking and biting others, particularly when they knew that the dog would be in an environment in which it would almost certainly come into contact with other people.
- e. Failed to provide adequate adult supervision when he knew the dog had vicious and dangerous propensities.

8. As a direct and proximate result of the attack on the Plaintiff,

GABRIELLA STRBIK, by the dog owned by Defendant, SUNRISE SENIOR LIVING, INC., the Plaintiff, GABRIELLA STRBIK, suffered severe injuries to her bodily, skeletal, muscular and nervous systems becoming scarred, bruised, contused, sore, lame, disabled and disordered, requiring medical care and treatment, suffering both physical and mental pain, being unable to conduct her normal daily affairs of life and expending large sums of money for her medical care and other related expenses, and those conditions occurred as a result of the aforesaid attack on her person by the dog owned by SUNRISE SENIOR LIVING, INC. on June 18, 2006, they continue to exist today, and will require further medical expense in the future.

WHEREFORE, Plaintiff, GABRIELLA STRBIK, requests judgment against SUNRISE SENIOR LIVING, INC. in an amount in excess of FIFTY THOUSAND DOLLARS (\$50,000.00), together with all allowable prejudgment interest, costs, and attorneys fees.

COUNT III
ANIMAL CONTROL ACT, 510 ILCS 5/16
SUNRISE OF BUFFALO GROVE

Now comes the Plaintiff, GABRIELLA STRBIK, by and through her attorney, JEROME SCHACHTER & ASSOCIATES, Ltd., and complaining about the Defendant, SUNRISE OF BUFFALO GROVE, states:

1. On June 18, 2006, the Defendant, SUNRISE OF BUFFALO GROVE, was the owner and keeper of a certain dog.

2. On June 18, 2006, Defendant, SUNRISE OF BUFFALO GROVE, owned real estate commonly known as, 180 W. Half Day Rd., Buffalo Grove, Illinois.

3. On June 18, 2006, Plaintiff, GABRIELLA STRBIK, was peacefully conducting herself on the premises at 180 W. Half Day Rd., Buffalo Grove, Illinois.

4. On June 18, 2006, the Plaintiff, GABRIELLA STRBIK, was lawfully on said premises.

5. On June 18, 2006, without provocation, the dog owned by the Defendant, SUNRISE OF BUFFALO GROVE, attacked the Plaintiff and bit her, injuring the person and body of the Plaintiff.

6. At all times pertinent hereto, there existed in the State of Illinois a certain act or law commonly known as the Illinois Animal Control Act (510 ILCS 5/16), which, among other things, provides:

If a dog or other animal, without provocation, attacks or injures any person who is peaceably conducting him[her]self in any place where he[she] may lawfully be, the owner of such dog or other animal is liable in damages to such person of or the full amount of injuries sustained.

7. As a direct and proximate result of the of the violation of this statute, the Plaintiff, GABRIELLA STRBIK, sustained injuries of a personal and pecuniary nature.

WHEREFORE, Plaintiff, GABRIELLA STRBIK, demands judgment against Defendant, SUNRISE OF BUFFALO GROVE, in an amount in excess of FIFTY THOUSAND DOLLARS (\$50,000.00) plus costs.

COUNT IV
NEGLIGENCE
SUNRISE SENIOR LIVING, INC.
SUNRISE OF BUFFALO GROVE

Now comes the Plaintiff, GABRIELLA STRBIK, by and through her attorney, JEROME SCHACHTER & ASSOCIATES, LTD., and complaining about the Defendant, SUNRISE OF BUFFALO GROVE, states:

1. On June 18, 2006, the Defendant, SUNRISE OF BUFFALO GROVE, was the owner and keeper of a certain dog.
2. On June 18, 2006, Defendant, SUNRISE OF BUFFALO GROVE, owned real estate commonly known as, 180 W. Half Day Rd., Buffalo Grove, Illinois.
3. On June 18, 2006, the Plaintiff, GABRIELLA STRBIK, was peacefully conducting herself on the premises at 180 W. Half Day Rd.; Buffalo Grove, Illinois.
4. On June 18, 2006, the Plaintiff, GABRIELLA STRBIK, was lawfully on said premises.
5. On June 18, 2006, without provocation, the dog owned by the Defendant, SUNRISE OF BUFFALO GROVE, attacked the Plaintiff and bit her, injuring the person and body of the minor Plaintiff.

6. At all times pertinent hereto, there existed in the State of Illinois a certain act or law commonly known as the Illinois Animal Control Act (510 ILCS 5/16), which, among other things, provides:

If a dog or other animal, without provocation, attacks or injures any person who is peaceably conducting him[her]self in any place where he[she] may lawfully be, the owner of such dog or other animal is liable in damages to such person of or the full amount of injuries sustained.

7. At all times pertinent hereto, Defendant SUNRISE OF BUFFALO GROVE, was careless and negligent by one or more of the following acts or omissions:

- a. Knew of/should have known of the vicious and dangerous propensities of his dog;
- b. Failed to train or to otherwise discipline the dog so that it would not attack and injure others;
- c. Failed to warn others, including GABRIELLA STRBIK, in close proximity that the dog was a vicious animal with a proclivity or propensity to attack and injure others; and/or
- d. Failed to muzzle or prohibit the dog from attacking and biting others, particularly when they knew that the dog would be in an environment in which it would almost certainly come into contact with other people.
- e. Failed to provide adequate adult supervision when he knew the dog had vicious and dangerous propensities.

8. As a direct and proximate result of the attack on the Plaintiff, GABRIELLA STRBIK, by the dog owned by Defendant, SUNRISE OF BUFFALO GROVE, the Plaintiff, GABRIELLA STRBIK, suffered severe injuries to her bodily, skeletal, muscular and nervous systems becoming scarred, bruised, contused, sore, lame, disabled and disordered, requiring medical care and treatment, suffering both physical and mental pain, being unable to conduct her normal daily affairs of life and expending large sums of money for her medical care and other related expenses, and those conditions occurred as a result of the

aforesaid attack on her person by the dog owned by SUNRISE OF BUFFALO GROVE on June 18, 2006, they continue to exist today, and will require further medical expense in the future.

WHEREFORE, Plaintiff, GABRIELLA STRBIK, requests judgment against SUNRISE OF BUFFALO GROVE in an amount in excess of FIFTY THOUSAND DOLLARS (\$50,000.00), together with all allowable prejudgment interest, costs, and attorneys fees.

COUNT V
ANIMAL CONTROL ACT, 510 ILCS 5/16
SUNRISE BUFFALO GROVE ASSISTED LIVING, L.L.C.

Now comes the Plaintiff, GABRIELLA STRBIK, by and through her attorney, JEROME SCHACHTER & ASSOCIATES, Ltd., and complaining about the Defendant, SUNRISE BUFFALO GROVE ASSISTED LIVING, L.L.C., states:

1. On June 18, 2006, the Defendant, SUNRISE BUFFALO GROVE ASSISTED LIVING, L.L.C., was the owner and keeper of a certain dog.
2. On June 18, 2006, Defendant, SUNRISE BUFFALO GROVE ASSISTED LIVING, L.L.C., owned real estate commonly known as, 180 W. Half Day Rd., Buffalo Grove, Illinois.
3. On June 18, 2006, Plaintiff, GABRIELLA STRBIK, was peacefully conducting herself on the premises at 180 W. Half Day Rd., Buffalo Grove, Illinois.
4. On June 18, 2006, the Plaintiff, GABRIELLA STRBIK, was lawfully on said premises.

5. On June 18, 2006, without provocation, the dog owned by the Defendant, SUNRISE BUFFALO GROVE ASSISTED LIVING, L.L.C., attacked the Plaintiff and bit her, injuring the person and body of the Plaintiff.

6. At all times pertinent hereto, there existed in the State of Illinois a certain act or law commonly known as the Illinois Animal Control Act (510 ILCS 5/16), which, among other things, provides:

If a dog or other animal, without provocation, attacks or injures any person who is peaceably conducting him[her]self in any place where he[she] may lawfully be, the owner of such dog or other animal is liable in damages to such person of or the full amount of injuries sustained.

7. As a direct and proximate result of the of the violation of this statute, the Plaintiff, GABRIELLA STRBIK, sustained injuries of a personal and pecuniary nature.

WHEREFORE, Plaintiff, GABRIELLA STRBIK, demands judgment against Defendant, SUNRISE BUFFALO GROVE ASSISTED LIVING, L.L.C. in an amount in excess of FIFTY THOUSAND DOLLARS (\$50,000.00) plus costs.

COUNT VI
NEGLIGENCE
SUNRISE BUFFALO GROVE ASSISTED LIVING, L.L.C.

Now comes the Plaintiff, GABRIELLA STRBIK, by and through her attorney, JEROME SCHACHTER & ASSOCIATES, LTD., and complaining about the Defendant, SUNRISE BUFFALO GROVE ASSISTED LIVING, L.L.C., states:

1. On June 18, 2006, the Defendant, SUNRISE BUFFALO GROVE ASSISTED LIVING, L.L.C., was the owner and keeper of a certain dog.

2. On June 18, 2006, Defendant, SUNRISE BUFFALO GROVE ASSISTED LIVING, L.L.C., owned real estate commonly known as, 180 W. Half Day Rd., Buffalo Grove, Illinois.

3. On June 18, 2006, the Plaintiff, GABRIELLA STRBIK, was peacefully conducting herself on the premises at 180 W. Half Day Rd.; Buffalo Grove, Illinois.

4. On June 18, 2006, the Plaintiff, GABRIELLA STRBIK, was lawfully on said premises.

5. On June 18, 2006, without provocation, the dog owned by the Defendant, SUNRISE BUFFALO GROVE ASSISTED LIVING, L.L.C., attacked the Plaintiff and bit her, injuring the person and body of the minor Plaintiff.

6. At all times pertinent hereto, there existed in the State of Illinois a certain act or law commonly known as the Illinois Animal Control Act (510 ILCS 5/16), which, among other things, provides:

If a dog or other animal, without provocation, attacks or injures any person who is peaceably conducting him[her]self in any place where he[she] may lawfully be, the owner of such dog or other animal is liable in damages to such person of or the full amount of injuries sustained.

7. At all times pertinent hereto, Defendant SUNRISE BUFFALO GROVE ASSISTED LIVING, L.L.C., was careless and negligent by one or more of the following acts or omissions:

- a. Knew of/should have known of the vicious and dangerous propensities of his dog;
- b. Failed to train or to otherwise discipline the dog so that it would not attack and injure others;
- c. Failed to warn others, including GABRIELLA STRBIK, in close proximity that the dog was a vicious animal with a proclivity or propensity to attack and injure others; and/or

- d. Failed to muzzle or prohibit the dog from attacking and biting others, particularly when they knew that the dog would be in an environment in which it would almost certainly come into contact with other people.
- e. Failed to provide adequate adult supervision when he knew the dog had vicious and dangerous propensities.

8. As a direct and proximate result of the attack on the Plaintiff,

GABRIELLA STRBIK, by the dog owned by Defendant, SUNRISE BUFFALO GROVE ASSISTED LIVING, L.L.C., the Plaintiff, GABRIELLA STRBIK, suffered severe injuries to her bodily, skeletal, muscular and nervous systems becoming scarred, bruised, contused, sore, lame, disabled and disordered, requiring medical care and treatment, suffering both physical and mental pain, being unable to conduct her normal daily affairs of life and expending large sums of money for her medical care and other related expenses, and those conditions occurred as a result of the aforesaid attack on her person by the dog owned by SUNRISE BUFFALO GROVE ASSISTED LIVING, L.L.C. on June 18, 2006, they continue to exist today, and will require further medical expense in the future.

WHEREFORE, Plaintiff, GABRIELLA STRBIK, requests judgment against SUNRISE BUFFALO GROVE ASSISTED LIVING, L.L.C. in an amount in excess of FIFTY THOUSAND DOLLARS (\$50,000.00), together with all allowable prejudgment interest, costs, and attorneys fees.

Respectfully submitted,
Jerome Schachter & Associates, Ltd.



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